

**LISTING OF THE CLAIMS**

- 1 1. (Currently Amended) A bone fixation apparatus for a rod system comprising:  
2 a bone anchor having a proximal end for engaging a driving device and a distal  
3 end for engaging a bone;  
4 a rod having a diameter defining a first dimension;  
5 a housing coupled to said proximal end of said bone anchor having opposed  
6 spaced-apart flanges extending longitudinally defining a channel therebetween  
7 for receiving said rod, said flanges having an outer surface and an inner  
8 surface having ~~at a portion of~~ female threads at a portion therein;  
9 a locking assembly for locking said rod to said housing in contact with said  
10 proximal end of said bone anchor;  
11 wherein said locking assembly further comprises an upper cap and a lower cap  
12 joined by a post and rotatable relative one to the other, wherein said upper cap  
13 is a generally cylindrical member having an outer surface containing at least a  
14 portion of male threads thereon and an inner cavity and an upper surface and a  
15 lower surface and wherein said inner cavity further comprises an opening to  
16 receive said post; and wherein said lower cap comprises an upper surface and  
17 a first lower semi-cylindrical surface for engaging said rod;  
18 an extension member extending radially from said lower cap, wherein said  
19 extension member has a second lower semi-cylindrical surface, and wherein  
20 said extension member has a width that is substantially similar to said first  
21 dimension;  
22 wherein said post is provided with an outer perimeter with a first profile and said  
23 opening is provided with a second profile that is geometrically similar; and  
24 wherein said rod is insertable into said channel of said housing and said locking  
25 assembly is thereafter insertable into said channel of said housing, and  
26 wherein a driving instrument is insertable into said inner cavity of said upper

27 cap and rotates said upper cap relative to said lower cap about said post,  
28 thereby engaging said at least a portion of male threads with said ~~at least a~~  
29 ~~portion of~~ female threads, thus causing said locking assembly to translate  
30 longitudinally toward said distal end of said anchor into a forcing relationship  
31 with said rod, thus forcing said rod into locking relationship with said  
32 proximal end of said anchor;  
33 wherein said ~~at least a portion of~~ female threads extend into said housing to a first  
34 depth and terminate above an upper surface of said rod when said rod is fully  
35 received within said housing; and  
36 wherein said threads on said upper cap and said threads in said flanges further  
37 comprise at least one start thread timed to properly engage each other when  
38 said extension is located within said channel.

2. (Original) The bone fixation system of claim 1 wherein said bone anchor is a screw.
3. (Original) The bone fixation apparatus of claim 2 wherein said housing is fixed to said proximal end of said bone anchor so as to prevent angulation of said bone anchor.
4. (Original) The bone fixation system of claim 3 wherein said lower cap further comprises an extension of said lower semi-cylindrical surface dimensioned to reside within said channel.
5. (Canceled)
6. (Original) The bone fixation system of claim 1 wherein said bone anchor is a hook.
7. (Original) The bone fixation apparatus of claim 6 wherein said housing is fixed to said proximal end of said hook so as to prevent angulation thereof.
8. (Original) The bone fixation system of claim 7 wherein said lower cap further comprises an extension of said lower semi-cylindrical surface dimensioned to reside within said channel.

9. (Canceled)
10. (Original) The bone fixation system of claim 1 wherein said bone anchor is a polyaxial screw further comprising a head disposed at said distal end having a conic or aspheric upper surface and a partially spherical lower surface and defining a periphery at a junction of said upper and lower surfaces.
11. (Original) The bone fixation system of claim 10 wherein said lower cap further comprises an extension of said lower semi-cylindrical surface dimensioned to reside within said channel.
12. (Canceled)
13. (Currently Amended) The bone fixation system of claim 11 ~~claim 12~~ wherein said proximal end of said polyaxial screw further comprises a depression disposed about said periphery.
14. (Currently Amended) The bone fixation system of claim 11 ~~claim 13~~ wherein said inner surface of said flanges further comprise an appurtenance projecting substantially radially inwardly.
15. (Currently Amended) The bone fixation system of claim 11 ~~claim 14~~ wherein said polyaxial screw is removable from said housing when said depression aligns with said appurtenance, but is not removable when said depression is not aligned with said appurtenance.

1 16. (Withdrawn) A bone fixation apparatus for a rod system comprising:  
2 a bone anchor having a proximal end for engagement with a driving device and a  
3 distal end for engagement with a bone;  
4 a housing coupled to said proximal end of said bone anchor having opposed  
5 spaced-apart flanges extending longitudinally and having a channel  
6 therebetween to receive a surgical rod therein, each flange having an outer  
7 surface and an inner surface and an undercut within said inner surface;  
8 a locking assembly for locking said surgical rod to said housing in contact with  
9 said proximal end of said bone anchor, further comprising an upper cap and a  
10 lower cap joined by a post and rotatable relative one to the other, wherein said  
11 upper cap is a generally cylindrical member having an outer surface and an  
12 inner cavity and an upper surface and a lower surface having camming  
13 surfaces thereon and wherein said inner cavity further comprises an opening  
14 to receive said post;  
15 wherein said outer surface has a first wing and a second wing projecting radially  
16 outwardly therefrom for insertion into said undercut to prevent removal of  
17 said locking assembly; and  
18 wherein said lower cap further comprises an upper surface having camming  
19 surfaces thereon for engagement with said camming surfaces of said upper  
20 cap and a lower semi-cylindrical surface for engaging said rod;  
21 wherein said rod is insertable into said channel of said housing and said locking  
22 assembly is thereafter insertable into said channel of said housing, and  
23 wherein a driving instrument is insertable into said inner cavity of said upper  
24 cap and rotates said upper cap relative to said lower cap about said post,  
25 thereby moving said camming surfaces of said upper cap relative to said  
26 camming surfaces of said lower cap, thus causing said lower cap to translate  
27 longitudinally toward said distal end of said anchor into a forcing relationship  
28 with said rod, thus forcing said rod into a locking relationship with said  
29 proximal end of said anchor.

17. (Withdrawn) The bone fixation apparatus of claim 16 wherein said bone anchor is a screw.
18. (Withdrawn) The bone fixation apparatus of claim 17 wherein said housing is fixed to said proximal end of said bone anchor so as to prevent angulation of said bone anchor.
19. (Withdrawn) The bone fixation apparatus of claim 18 wherein said undercut further comprises a slot adjacent thereto disposed radially outwardly of said undercut having an inner surface and an outer surface and longitudinal dimension greater than that of said undercut.
20. (Withdrawn) The bone fixation apparatus of claim 19 wherein said first wing and said second wing further comprise ridges located outwardly thereof.
21. (Withdrawn) The bone fixation apparatus of claim 20 wherein said ridges engage said inner surfaces of said slots in said flanges to prevent splaying.
22. (Withdrawn) The bone fixation apparatus of claim 21 wherein said post further comprises a first timing groove and a second timing groove disposed longitudinally thereon.
23. (Withdrawn) The bone fixation apparatus of claim 22 wherein said upper cap further comprises a projection in said opening.
24. (Withdrawn) The bone fixation apparatus of claim 23 wherein said upper cap and said first and second timing grooves are timed such that said projection mates with said first timing groove when said locking assembly is in an unlocked position and mates with said second timing groove when said locking assembly is rotated to a locked position.
25. (Withdrawn) The bone fixation apparatus of claim 24 wherein said upper cap further comprises a stop disposed adjacent said upper surface thereof and projecting

radially outwardly from said outer surface of said upper cap, said stop being located out of phase with said wings.

26. (Withdrawn) The bone fixation apparatus of claim 25 wherein said housing further comprises a depression disposed about said inner surface of said flanges.
27. (Withdrawn) The bone fixation apparatus of claim 26 wherein said stop engages said depression when said upper cap is rotated into a locked position.
28. (Withdrawn) The bone fixation apparatus of claim 16 wherein said bone anchor is a hook.
29. (Withdrawn) The bone fixation apparatus of claim 28 wherein said housing is fixed to said proximal end of said bone anchor so as to prevent angulation of said bone anchor.
30. (Withdrawn) The bone fixation apparatus of claim 29 wherein said undercut further comprises a slot adjacent thereto disposed radially outwardly of said undercut having an inner surface and an outer surface and longitudinal dimension greater than that of said undercut.
31. (Withdrawn) The bone fixation apparatus of claim 30 wherein said first wing and said second wing further comprise ridges located outwardly thereof.
32. (Withdrawn) The bone fixation apparatus of claim 31 wherein said ridges engage said inner surfaces of said slots in said flanges to prevent splaying.
33. (Withdrawn) The bone fixation apparatus of claim 32 wherein said post further comprises a first timing groove and a second timing groove disposed longitudinally thereon.
34. (Withdrawn) The bone fixation apparatus of claim 33 wherein said upper cap further comprises a projection in said opening.

35. (Withdrawn) The bone fixation apparatus of claim 34 wherein said upper cap and said first and second timing grooves are timed such that said projection mates with said first timing groove when said locking assembly is in an unlocked position and mates with said second timing groove when said locking assembly is rotated to a locked position.
36. (Withdrawn) The bone fixation apparatus of claim 35 wherein said upper cap further comprises a stop disposed adjacent said upper surface thereof and projecting radially outwardly from said outer surface of said upper cap, said stop being located out of phase with said wings.
37. (Withdrawn) The bone fixation apparatus of claim 36 wherein said housing further comprises a depression disposed about said inner surface of said flanges.
38. (Withdrawn) The bone fixation apparatus of claim 37 wherein said stop engages said depression when said upper cap is rotated into a locked position.
39. (Withdrawn) The bone fixation apparatus of claim 17 wherein said housing further comprises a separable body for lockable attachment to said proximal end of said screw.
40. (Withdrawn) The bone fixation apparatus of claim 39 wherein said separable body further comprises an upper portion having an outer diameter and an inner diameter and a lower portion having an outer diameter and an inner diameter and wherein said outer diameter of said lower portion is less than said outer diameter of said upper portion.
41. (Withdrawn) The bone fixation apparatus of claim 40 wherein said lower portion further comprises fingers oriented longitudinally and extending from said upper portion terminating at a distal end, wherein said fingers receive said proximal end of said screw in varying orientations.
42. (Withdrawn) The bone fixation apparatus of claim 41 wherein said distal end of said fingers define an inner diameter and an outer diameter.

43. (Withdrawn) The bone fixation apparatus of claim 42 wherein said lower portion further comprises a ring disposed externally on said fingers and slideable from an unlocked position to a locked position.
44. (Withdrawn) The bone fixation apparatus of claim 43 wherein said inner diameter of said ring at a bottom end thereof is slightly less than said outer diameter of said fingers such that as said ring is slid from said unlocked position to said locked position, said ring imparts a radial force on said fingers, thus locking said proximal end of said screw in a given orientation.
45. (Withdrawn) The bone fixation apparatus of claim 44 wherein said undercut further comprises a slot adjacent thereto disposed radially outwardly of said undercut having an inner surface and an outer surface and longitudinal dimension greater than that of said undercut.
46. (Withdrawn) The bone fixation apparatus of claim 45 wherein said first wing and said second wing further comprise ridges located outwardly thereof.
47. (Withdrawn) The bone fixation apparatus of claim 46 wherein said ridges engage said inner surfaces of said slots in said flanges to prevent splaying.
48. (Withdrawn) The bone fixation apparatus of claim 47 wherein said post further comprises a first timing groove and a second timing groove disposed longitudinally thereon.
49. (Withdrawn) The bone fixation apparatus of claim 48 wherein said upper cap further comprises a projection in said opening.
50. (Withdrawn) The bone fixation apparatus of claim 49 wherein said upper cap and said first and second timing grooves are timed such that said projection mates with said first timing groove when said locking assembly is in an unlocked position and mates with said second timing groove when said locking assembly is rotated to a locked position.



51. (Withdrawn) The bone fixation apparatus of claim 50 wherein said upper cap further comprises a stop disposed adjacent said upper surface thereof and projecting radially outwardly from, said outer surface of said upper cap, said stop being located out of phase with said wings.
52. (Withdrawn) The bone fixation apparatus of claim 51 wherein said housing further comprises a depression disposed about said inner surface of said flanges.
53. (Withdrawn) The bone fixation apparatus of claim 52 wherein said stop engages said depression when said upper cap is rotated into a locked position.

1 54. (Withdrawn) A bone fixation apparatus for a rod system comprising:  
2 a bone anchor having a proximal end for engagement with a driving device and a  
3 distal end for engagement with a bone;  
4 a housing coupled to said proximal end of said bone anchor having opposed  
5 spaced-apart flanges extending longitudinally and having a channel  
6 therebetween to receive a surgical rod therein, each flange having an outer  
7 surface and an inner surface, said outer surface having a circumferential  
8 groove therein;  
9 a locking assembly for locking said surgical rod to said housing in contact with  
10 said proximal end of said bone anchor, further comprising an upper cap and a  
11 lower cap joined by a post and rotatable relative one to the other, wherein said  
12 upper cap is a generally cylindrical member having an outer surface and an  
13 inner cavity and an upper surface and a lower surface having camming  
14 surfaces thereon and wherein said inner cavity further comprises an opening  
15 to receive said post;  
16 wherein said outer surface has a first wing and a second wing projecting radially  
17 outwardly therefrom for insertion into said circumferential groove in said  
18 outer surface of said housing to prevent removal of said locking assembly; and  
19 wherein said lower cap further comprises an upper surface having camming  
20 surfaces thereon for engagement with said camming surfaces of said upper  
21 cap and a lower semi-cylindrical surface for engaging said rod;  
22 wherein said rod is insertable into said channel of said housing and said locking  
23 assembly is thereafter insertable into said channel of said housing, and  
24 wherein a driving instrument is insertable into said inner cavity of said upper  
25 cap and rotates said upper cap relative to said lower cap about said post,  
26 thereby moving said camming surfaces of said upper cap relative to said  
27 camming surfaces of said lower cap, thus causing said lower cap to translate  
28 longitudinally toward said distal end of said anchor into a forcing relationship

29           with said rod, thus forcing said rod into a locking relationship with said  
30           proximal end of said anchor.

1 55. (Currently Amended) A bone fixation apparatus for a rod system comprising:

2 a rod;

3 a bone anchor having a first end for engaging bone, and a second end  
4 having a housing;

5 said housing is provided with opposed spaced-apart flanges defining a  
6 channel therebetween for receiving said rod;

7 a locking assembly having an upper cap and a lower cap;

8 said flanges having an outer surface, and an inner surface having female  
9 threads for threadedly receiving said locking assembly;

10 said lower cap having a first end with a concave profile that matingly  
11 engages said rod in one of two possible orientations, and a second end  
12 having an extension member, said extension member having an outer  
13 perimeter with a first profile; and wherein said extension member has  
14 a width that is substantially equal to a diameter of said rod;

15 said upper cap having a first end, a second end, an outer surface, and an  
16 opening through said first end and said second end, and said outer  
17 surface having one or more portions of male threads, said opening  
18 having an interior surface forming a second profile;

19 wherein said first profile and said second profile are geometrically similar;  
20 and

21 wherein no more than two orientations of said second profile relative to  
22 said first profile allows said opening to be axially received on said  
23 extension member;

24 wherein ~~said~~ at least a portion of said female threads extend into said  
25 housing and terminate above the height of said rod when said rod is  
26 fully received within said housing.

56. (Previously Presented) The bone fixation apparatus for a rod system of claim 55, wherein said extension member is symmetric about a longitudinal axis.
57. (Previously Presented) The bone fixation apparatus for a rod system of claim 55, wherein said extension member is symmetric about a longitudinal plane.
58. (Previously Presented) The bone fixation apparatus for a rod system of claim 55, wherein said extension member is asymmetric about a longitudinal axis.
59. (Previously Presented) The bone fixation apparatus for a rod system of claim 55, wherein said extension member is asymmetric about a longitudinal plane.
60. (Previously Presented) The bone fixation apparatus for a rod system of claim 55, wherein said extension member is a post.
61. (Previously Presented) The bone fixation apparatus for a rod system of claim 55, wherein said one or two orientations are also proper orientations to align said male threads with said female threads.

1 62. (Currently Amended) A bone fixation apparatus for a rod system comprising:  
2 a bone anchor having a first end for engaging bone, and a second end  
3 having a housing having an interior surface, wherein said interior  
4 surface is provided with female threads, and wherein said housing has  
5 a groove;  
6 a locking assembly having an upper cap and a lower cap;  
7 an extension member extending from said lower cap having a width  
8 substantially similar to a width of said groove;  
9 said housing axially receiving said locking assembly, wherein said lower  
10 cap is received within said housing in no more than two orientations;  
11 said lower cap having a first end, and a second end, said second end  
12 having a post protruding therefrom;  
13 said upper cap having a first end, a second end, an outer surface, and an  
14 opening through said first and second end, and said outer surface  
15 having one or more portions of male threads;  
16 wherein one or two orientations of said opening relative to said extension  
17 member allows said opening to be axially received on said extension  
18 member;  
19 wherein said at least a portion of said female threads extend into said  
20 housing and terminate above the height of said rod when said rod is  
21 fully received within said housing.

63. (Previously Presented) The bone fixation apparatus for a rod system of claim  
62, wherein said post is symmetric about a longitudinal axis.

64. (Previously Presented) The bone fixation apparatus for a rod system of claim  
62, wherein said post is symmetric about a longitudinal plane.

65. (Previously Presented) The bone fixation apparatus for a rod system of claim 62, wherein said post is asymmetric about a longitudinal axis.
66. (Previously Presented) The bone fixation apparatus for a rod system of claim 62, wherein said post is asymmetric about a longitudinal plane.
67. (Previously Presented) The bone fixation apparatus for a rod system of claim 62, wherein said one or two orientations are also proper orientations to align said male threads with said female threads.

1 68. (Currently Amended) A bone fixation apparatus for a rod system comprising:

2 a rod having a first dimension;

3 a bone anchor having a first end for engaging bone, and a second end  
4 having a housing provided with an interior surface, wherein said  
5 interior surface is provided with female threads;

6 a locking assembly having an upper cap and a lower cap;

7 said housing axially receiving said locking assembly,

8 said lower cap having a first end and a second end; wherein said first end  
9 is provided with a first orientation means for providing proper  
10 orientation between said housing and said lower cap, said second end  
11 is provided with a second orientation means for providing proper  
12 orientation between said lower cap and said upper cap;

13 said first orientation means having a second dimension, wherein said first  
14 dimension is substantially equal to said second dimension;

15 said upper cap having an outer surface and an opening, wherein said  
16 opening matingly engages said second orientation means, and said  
17 outer surface is provided with one or more portions of male threads;  
18 and

19 wherein when said first orientation means is properly oriented with respect  
20 to said housing and said upper cap opening is properly oriented with  
21 respect to said second orientation means, said male threads will align  
22 with said female threads to prevent cross threading;

23 wherein ~~said~~ at least a portion of said female threads extend into said  
24 housing to a depth no deeper than the height of said rod, when said rod  
25 is fully received within said housing.